

Thomas Brace  
21xx BEECH STREET EAST  
St. Paul, MN 55119

June 9, 2016

Dear Honorable Councilmembers,

At your City Council meeting on June 15<sup>th</sup>, you will be voting on a proposal from Ms. Moermond to grant an extension to Sia Lo and his clients at 2153 BEECH STREET to comply with their Summary Abatement Order and Correction Notice. I am writing to you to plea for a vote NO on that proposal.

My wife and I have been a residents of Ward 7, District 1 for 18 years at 2157 BEECH STREET EAST.

Three years ago, a dispute developed with our neighbor at 2153 BEECH STREET East over a failing timber retaining wall. The wall is close to our shared property line, so a battle of wills ensued over who was responsible for its repair. I reasonably and thoroughly proved beyond any doubt that the wall is and was constructed on the neighbor's property BY the neighbor in 1990. I proved this using previous property owners' conversations and signed statements, historical permits, and professional surveys and surveyor drawings.

When the wall collapsed in April 2015, the City of St. Paul issued Summary Abatement Orders to 2153 BEECH on 5-18-15 and to 2157 BEECH on 5-22-15. The City of St., Paul expected compliance by 6-8-15.

I appealed and appeared before Ms. Marcia Moermond on 6-9-15 at 11:00 am. The Legislative Hearing Officer recommended that the City Council grant the appeal, and it was passed and signed by the Mayor's office on 7-8-15. (File #: RLH SAO 15-39)

Highlights: Ms. Moermond: -the survey clearly indicates that the wall is not on Mr. Brace's property, at least a ft between his property line and the top of the retaining wall -entirely on the 2153 property and not on his. -REC grant the appeal

The neighbors also appealed their Summary Abatement Order. Their lawyer had it laid over twice, finally appearing on 7-21-15. Their appeal resulted in conversion to a Correction Notice and Summary Abatement Order at 2153 BEECH STREET, where the Legislative Hearing Officer recommended that the City Council grant an extension until June 1, 2016 to address the retaining wall issue. It was passed and signed by the Mayor's office on 8-7-15. (File #: RLH CO 15-11)

Highlights: Ms. Moermond: if things worsen to a point where additional Orders have to be issued because of significantly worsening conditions, we can talk about it then; Steve Magner said that he wanted Summary Abatement Orders to be issued to both properties; have a contractor tear out that wall and assess both properties; the SA Orders were sent May 22; Ms. Moermond: -will grant an extension to Jun 1, 2016 for the wall to be corrected Grant until June 1, 2016 to address the retaining wall issue.

This issue has been shirked by the Legislative Hearing Officer because of pending civil action. I requested Summary Judgement to seek relief from additional damage to my property—erosion, cracked concrete driveway and garage floor, and structural damage to the garage. The legal standing is based upon loss of lateral support. There is also the safety hazard: there is no footing for disembarking from our vehicles on

the neighbor's side of the driveway. A slip could kill my 89 year old Dad. And it continues to get worse. I cannot repair my property or put it on the market until the neighbor restores the retaining wall.

We have tried to settle out of court with the Judge Bartsh mediating. The neighbors now admit that the wall is their responsibility, but are trying to extort financial assistance from me to rebuild. The City of St. Paul originally wanted this wall fixed in ONE MONTH. Then they gave the neighbor's a YEAR. And now they want ANOTHER SIX MONTHS. As Ms. Moermond said, if things worsen, "we can talk about it, then." Things have worsened and pending litigation has no bearing upon the orders of the City of St. Paul. Please do not grant an extension. The neighbors are in violation of their Summary Abatement Order and Correction Notice. They show no intention of repairing it. PLEASE visit the address and witness for yourself. It becomes very clear.

Key points:

The wall is on the neighbor's property and belongs to the neighbors.

The wall has failed causing severe damage to both properties.

The owners were originally ordered to be repair the wall by 6-8-15.

The owners were granted ample time to resolve and repair by 6-1-16.

The City of St. Paul could have it repaired and assess 2153 BEECH as originally proposed.

Thank you for your consideration. Respectfully submitted,

Thomas Brace